

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHN J. NONNENMACHER

Plaintiff,

v.

CAPITAL ONE, TRANS UNION, EQUIFAX
INFORMATION SERVICES, LLC, and
EXPERIAN,

Defendants.

Civ. Action No. 10-1367 (KSH)

ORDER

Katharine S. Hayden, U.S.D.J.

This matter having come before the Court on a motion to dismiss [D.E. 15] by defendant Capital One Bank (USA), N.A. (“Capital One”), and a motion for leave to file a Second Amended Complaint [D.E. 22] by plaintiff John J. Nonnenmacher (“Nonnenmacher”); and the Court having considered the parties’ arguments and written submissions; and for the reasons stated in the Court’s Opinion filed herewith,

IT IS on this 31st day of March, 2011,

ORDERED that Nonnenmacher’s motion for leave to file a Second Amended Complaint [D.E. 22] is **granted** to the extent that it revises his FCRA claim, adds a claim under the FCBA, and corrects Capital One’s corporate name in the case caption; and it is further

ORDERED that Capital One’s motion to dismiss Nonnenmacher’s state law claims [D.E. 15] on grounds of preemption is **granted**.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.